IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

SUMMARY SUIT NO.1153 OF 2004

Mrs.Smita Chetan Mehta
Proprietress of M/s.
Esskay Enterprise .. Plaintiff

Vs.

Suresh Agarwal
Prop: Meera Silk Mills .. Defendant

Mr.M.A.Sayyed i/b M/s.Ram and Co. for the plaintiff

CORAM : S.U.KAMDAR, J

DATED : 23RD AUGUST, 2005

P.C.:

1. The present suit is filed for the recovery of sum of Rs.2,15,065/- with further interest on the principal amount of Rs.1,93,783/- @ 12% p.a. from the date of the suit till payment and/or realisation. The suit is based on the goods sold and delivered. The suit is filed on the basis of invoices and bills raised from time to time.

2. It is the case of the plaintiffs that in respect of the goods sold and delivered there is an outstanding amount of Rs.1,93,783/- and the same

has been confirmed by the defendant by their letter dt.7.7.03. I have perused the documents of invoices and delivery challans produced by the plaintiff. The said documents are taken on record and marked Ex.P-1 collectively. Defendant is served. Affidavit of service dt.2.12.04 is filed indicating that the packet sent is returned unclaimed. Defendants though served are not appearing in the matter. Vakalatnama is not filed. In the aforesaid circumstances, suit is decreed as prayed.

3. Suit is disposed of accordingly.